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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,237	09/21/2001	Andreas Herkersdorf	CH9-2000-0019US1(590.082)	5867

35195 7590 12/07/2005

FERENCE & ASSOCIATES
409 BROAD STREET
PITTSBURGH, PA 15143

EXAMINER

VU, THONG H

ART UNIT PAPER NUMBER

2142

DATE MAILED: 12/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/960,237	Applicant(s) HERKERSDORF ET AL.	
	Examiner Thong H. Vu	Art Unit 2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Claims 1-16 are pending.

Response to Arguments

2. Applicant's arguments filed 11/14/05 with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-16 are rejected on the ground of nonstatutory double patenting over claims 1-12 of U. S. Patent No. 4,937,760 ('760) since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

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The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows:

(‘760) 1. A computer-implemented method for sharing common values implicitly among generative objects, the objects respectively being accessible only across counterpart logically partitioned and isolated demand/response interfaces (interactive, exchange) , at least one of the partitions including a cyclic, rule-based, object-sensitive production system otherwise termed a knowledge processing environment (KPE), comprising the steps of:

(a) creating a process in each partition cooperative with counterpart concurrent processes in other partitions across the counterpart synchronous demand/response interface;

(b) processes in each partition selectively creating, modifying, or deleting common values, and forming a list of changes;

(c) processes in other than the KPE partition communicating any change list to the KPE partition independent from and concurrently with any procedural request to the KPE partition;

(d) causing the KPE partition to update its common values according to the change list; and

(e) altering any change list originating at the KPE partition into a format readily usable (menu, predetermined response options) by a process in a non-KPE partition and communicating said formatted change list to said non-KPE partition.

2. wherein said production system in the KPE partition further includes a frame manager for creating and manipulating frames among objects;

wherein the common values are included in only those frames which constitute a common subset of all of the frames (subset of client machines); and wherein the common values in non-KPE partitions are formatted as records.

(Application) 1. A method for handling interactive information exchange through networks having a plurality of client machines, the method comprising the steps of:

composing a request message offering predetermined response options, whereby corresponding response messages are returned through said networks in one (or more) packet(s);

setting up packet forwarding rules in said networks specifying a particular treatment for said returned packets dependent on said predetermined response options;

sending said request message to said subset of client machines

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-16 are rejected under 35 U.S.C. 102(e) as anticipated by Gai et al [Gai, 6,085,233].

4. As per claim 1, Gai discloses a method for handling interactive information exchange through networks having a plurality of client machines [Gai, exchange information, subnetwork, col 6 line 55-col 7 line 5, Fig 2], the method comprising the steps of:

composing a request message offering predetermined response options, whereby corresponding response messages are returned through said networks in one (or more) packet(s) [Gai,request/reply option, value depending on the information being request, routing information, col 5 lines 49-67];

setting up packet forwarding rules (i.e.: routing information) in said networks specifying a particular treatment for said returned packets dependent on said predetermined response options [Gai, forwarded to subnetwork, col 6 line 55-col 7 line 5; preconfigured, the options field, col 9 lines 21-45];

sending said request message to said subset of client machines [Gai, abstract].

5. As per claim 2, Gai discloses an initial step of receiving a subscription message from a subset of said client machines [Gai, abstract].

6. As per claim 3, Gai discloses said request message is composed in that said corresponding response message only consists of one packet as a design choice of the response option.

7. As per claim 4, Gai discloses said request message is composed in a way that said chosen predetermined response options is encoded in a data portion of said respective response packet [Gai, subnet mask, col 16 lines 7-27].

8. As per claim 5, Gai discloses said request message is composed in a hypertext document format and a program that can be executed on the client machines and composes said response messages upon an interaction of a user of a client machine [Gai, Internet, col 1 line 30].

9. As per claim 6, Gai discloses setting up forwarding rules includes the step of configuring one or more routers that forward said response packets [Gai, routing information, col 5 lines 49-67].

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10. As per claim 7, Gai discloses configuring said routers includes the step of instructing said routers to discard response messages containing predetermined response options as a filter [Gai, router or switch, col 8 lines 18-67].

11. As per claim 8, Gai discloses configuring said routers includes the step of instructing said routers to forward response messages containing a certain response option to a specified host connected to one of said networks [Gai, router or switch, col 8 lines 18-67].

12. As per claim 9, Gai discloses configuring said routers combine more than one response messages arriving in a given time frame and to forward the combined messages as one message [Gai, router, router or switch, col 8 lines 18-67].

13. As per claim 10, Gai discloses configuring said routers includes the step of instructing at least one of said routers to store the selected option of said response options in conjunction with the identity of the sender [Gai, router, router or switch, col 8 lines 18-67].

14. As per claim 11, Gai discloses configuring said routers includes the step of instructing at least one of said routers to determine the amount of received response messages for each response option [Gai, router, router or switch, col 8 lines 18-67].

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15. As per claim 12, Gai discloses the steps of receiving response messages and sending a second request message only to client machines from which a response message containing a certain response option was received [Gai, routing information, col 5 lines 49-67].

16. As per claim 13, Gai discloses receiving response messages and storing the options chosen grouped by said sending client machines [Gai, subnet, col 61 lines 23-53].

17. As per claim 14, Gai discloses a computer program product stored on a computer usable medium [Gai, database, col 10 lines 50-55].

18. Claims 15,16 contain the similar limitations set forth of claim 1. Therefore, claims 15,16 are rejected for the similar rationale set forth in claim 1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-16 are rejected under 35 U.S.C. 102(e) as anticipated by Bowman-Amuah [6,697,824 B1].

19. As per claim 1, Bowman-Amuah discloses a method for handling interactive information exchange through networks having a plurality of client machines [Bowman-Amuah, Internet Fig 35], the method comprising the steps of:

composing a request message offering predetermined response options, whereby corresponding response messages are returned through said networks in one (or more) packet(s) [Bowman-Amuah, the user selects options, col 41 line 11-col 42 line 5];

setting up packet forwarding rules in said networks specifying a particular treatment for said returned packets dependent on said predetermined response options [Bowman-Amuah, Forward chaining rules, col 51 lines 30-50];

sending said request message to said subset of client machines [Bowman-Amuah, subset, col 44 lines 3-20].

20. As per claim 2, Bowman-Amuah discloses an initial step of receiving a subscription message from a subset of said client machines [Bowman-Amuah, subset, col 44 lines 3-20].

21. As per claim 3, Bowman-Amuah discloses said request message is composed in that said corresponding response message only consists of one packet as a design choice of the response option.

22. As per claim 4, Bowman-Amuah discloses said request message is composed in a way that said chosen predetermined response options is encoded in a data portion of said respective response packet [Bowman-Amuah, Firewall, encrypted, col 68 lines 6-20].

23. As per claim 5, Bowman-Amuah discloses said request message is composed in a hypertext document format and a program that can be executed on the client machines and composes said response messages upon an interaction of a user of a client machine [Bowman-Amuah, HTML, col 9 lines 40-55]

24. As per claim 6, Bowman-Amuah discloses setting up forwarding rules includes the step of configuring one or more routers that forward said response packets [Bowman-Amuah, Forward chaining rules, col 51 lines 30-50].

25. As per claim 7, Bowman-Amuah discloses configuring said routers includes the step of instructing said routers to discard response messages containing predetermined response options as a filter [Bowman-Amuah, Firewall, col 68 lines 6-20].

26. As per claim 8, Bowman-Amuah discloses configuring said routers includes the step of instructing said routers to forward response messages containing a certain

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response option to a specified host connected to one of said networks [Bowman-Amuah, Firewall, col 68 lines 6-20].

27. As per claim 9, Bowman-Amuah discloses configuring said routers combine more than one response messages arriving in a given time frame and to forward the combined messages as one message [Bowman-Amuah, Firewall, col 68 lines 6-20].

28. As per claim 10, Bowman-Amuah discloses configuring said routers includes the step of instructing at least one of said routers to store the selected option of said response options in conjunction with the identity of the sender [Bowman-Amuah, Firewall, col 68 lines 6-20].

29. As per claim 11, Bowman-Amuah discloses configuring said routers includes the step of instructing at least one of said routers to determine the amount of received response messages for each response option [Bowman-Amuah, Firewall, col 68 lines 6-20].

30. As per claim 12, Bowman-Amuah discloses the steps of receiving response messages and sending a second request message only to client machines from which a response message containing a certain response option was received [Bowman-Amuah, the option to reply, col 27 lines 44-54].

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31. As per claim 13, Bowman-Amuah discloses receiving response messages and storing the options chosen grouped by said sending client machines [Bowman-Amuah, subset, col 44 lines 3-20].

32. As per claim 14, Bowman-Amuah discloses a computer program product stored on a computer usable medium [Bowman-Amuah, database, Fig 38].

33. Claims 15,16 contain the similar limitations set forth of claim 1. Therefore, claims 15,16 are rejected for the similar rationale set forth in claim 1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 6:00AM-3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Andrew Caldwell*, can be reached at (571) 272-3868. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thong Vu
Primary Examiner
Art Unit 2142

